

HOUSE No. 1131

By Ms. Blumer of Framingham, petition of Deborah D. Blumer and others for legislation to provide parity for local public school tuition payments for Commonwealth charter schools. Education.

The Commonwealth of Massachusetts

PETITION OF:

Deborah D. Blumer	James B. Eldridge
Pamela P. Resor	Patricia A. Walrath
Alice K. Wolf	Richard T. Moore
Patricia D. Jehlen	Thomas M. Stanley
Sheldon Berman	Ellen Story
John W. Scibak	Benjamin Swan

In the Year Two Thousand and Five.

AN ACT TO PROVIDE PARITY FOR LOCAL PUBLIC SCHOOL TUITION PAYMENTS FOR COMMONWEALTH CHARTER SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 89 of chapter 71 of the General Laws, as amended by
2 Chapter 352 of the Acts of 2004, is hereby further amended by
3 striking subsection (nn) and inserting in place thereof the
4 following:—
5 (nn) Commonwealth charter schools shall be funded as
6 follows: The commonwealth shall pay a tuition amount to the
7 charter school, which shall be the sum of the tuition amounts cal-
8 culated separately for each district sending students to the charter
9 school. Tuition amounts for each sending district shall be calcu-
10 lated by the department of education using the formula set forth
11 herein to reflect, as much as practicable, the actual per pupil
12 amount that would be expended for operational purposes in the
13 district if the students attended the district schools. For the pur-
14 poses of this section, “operational purposes” shall exclude, at a
15 minimum, capital costs associated with payments, including

16 interest and principal payments, for the construction, renovation,
17 purchase, acquisition, or improvement of school buildings and
18 land, and any other costs not associated with payments for the
19 construction, renovation, purchase, acquisition, or improvement of
20 school buildings but reported to the department of education as a
21 capital cost.

22 The tuition amount shall be calculated separately for each dis-
23 trict sending students to a charter school, and for each charter
24 school to which a district sends students. Each district's per pupil
25 tuition amount for each charter school to which it sends students
26 shall be adjusted to reflect the actual net school spending in the
27 sending district.

28 In calculating the per pupil tuition amount, the department shall
29 calculate a foundation budget for the students from each sending
30 district attending the charter school in the previous fiscal year,
31 pursuant to the provisions of section 2 of chapter 70; provided,
32 that the department shall not include in said calculation the
33 assumed tuitioned-out special education enrollment, nor any
34 amounts generated by said assumed enrollment, as defined by said
35 section 2. The per pupil tuition amount shall be the district's
36 foundation budget for the charter school, as so calculated, divided
37 by the number of students attending the charter school from the
38 sending district in the previous fiscal year. The per pupil tuition
39 amount shall be calculated separately for each charter school to
40 which a district sends students. The foundation budget for a
41 charter school shall be the sum of the foundation budgets for the
42 charter school for each district sending students to the charter
43 school.

44 In adjusting the per pupil tuition amount, the department shall
45 calculate for each sending district an above foundation spending
46 percentage, which shall be the percentage by which the district's
47 actual net school spending exceeds the foundation budget for the
48 district, as calculated pursuant to the provisions of chapter 70.
49 The department shall further calculate the percentage of actual net
50 school spending reported by the sending district associated with
51 tuition costs for tuitioned-out special education students,
52 including education that occurs in educational collaboratives, and
53 with spending on municipal administration, retired staff pension
54 and health care costs for retired employees, for any district for

55 which such costs are included in net school spending, and shall
56 reduce the district's above foundation spending percentage pro-
57 portionately. The per pupil tuition amount for each charter school
58 to which the sending district sends students shall be increased by
59 said adjusted above foundation spending percentage.

60 The tuition amount owed by a sending district to a charter
61 school shall be limited to 75% of the sum of the foundation bud-
62 gets and adjusted foundation spending percentage to a maximum
63 of \$5000 per pupil, multiplied by the total number of students
64 attending the charter school from that district in the current fiscal
65 year, provided that the tuition owed by a sending district shall
66 exclude pupils who did not attend sending district public schools
67 in the prior year but who were resident and eligible to attend
68 public schools. The sending district's charter school tuition pay-
69 ments for purposes of the following paragraphs shall be the sum
70 of the district's tuition amounts for each charter school to which
71 the district sends students, calculated using the provisions of this
72 section. The receiving charter school's total charter school tuition
73 amount shall be the sum of the tuition amounts calculated for the
74 charter school for each district sending students to the charter
75 school, including tuition for students who, although eligible, did
76 not attend district public schools in the prior year. The depart-
77 ment of education shall, subject to appropriation, provide funding
78 for any difference between the receiving charter school's total
79 charter school tuition and the sending district's tuition payment.

80 The state treasurer is hereby authorized and directed to deduct a
81 district's total charter school tuition payment, as calculated herein
82 and subject to a maximum of \$5000 per pupil, from the total state
83 school aid, as defined in section 2 of said chapter 70, of the dis-
84 trict in which the student resides prior to the distribution of said
85 aid. In the case of a child residing in a municipality which
86 belongs to a regional school district, the charter school tuition
87 amount shall be deducted from said chapter 70 education aid of
88 the school district appropriate to the grade level of the child. If, in
89 a single district, the total of all such deductions exceeds the total
90 of said education aid, this excess amount shall be deducted from
91 other aid appropriated to the city or town. If, in a single district,
92 the total of all such deductions exceeds the total state aid appro-
93 priated, the commonwealth shall appropriate this excess amount;

94 provided, however, that if said district has exempted itself from
95 the provisions of chapter 70 by accepting section 14 of said
96 chapter 70, the commonwealth shall assess said district for said
97 excess amount.

98 The state treasurer is hereby further authorized and directed to
99 disburse to the charter school an amount equal to the charter
100 school's total charter school tuition amount as defined above.

101 The department shall, subject to appropriation, provide funding
102 to charter schools for a capital needs allocation. The department
103 shall calculate a statewide per pupil average expenditure from
104 state and local sources for capital costs solely associated with pay-
105 ments, including interest and principal payments, for the construc-
106 tion, renovation, purchase, acquisition, or improvement of school
107 buildings and land. The department shall multiply said amount by
108 the number of students the district sends to charter schools, and
109 shall provide funding directly to charter schools for said costs.
110 Such funding shall not be included in the tuition amount, and shall
111 not be deducted from the Chapter 70 aid of the sending district.
112 In making these calculations, the department shall use data from
113 the most recent year for which actual district expenditures have
114 been reported by districts to the department.

115 The board of education shall adopt regulations for imple-
116 menting the provisions of this subsection, including, but not lim-
117 ited to, regulations for determining the actual per pupil net school
118 spending amounts in districts, and for calculating charter school
119 tuition amounts. In adopting said regulations, the department
120 shall consult with the executive office for administration and
121 finance.